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Office of the Fire Marshal

OFM-TG-01-2000

FIRE SAFETY ENFORCEMENT

April 2000

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GUIDELINE

TABLE OF CONTENTS

SECTION PAGE

Abstract 3

1.0 SCOPE 4

2.0 BACKGROUND 4

3.0 RECORDS/DOCUMENTATION/FORMS 5

4.0 INSPECTION PRACTICES 6

5.0 FOLLOW-UP INSPECTION/ENFORCEMENT OPTIONS 7
- 5.1 Obtain Written Commitment From The Owner
- 5.2 Obtain A Compliance Order
- 5.3 Prosecuting For Failure To Comply
- 5.4 Obtaining An Order Authorizing The Inspector To Correct The Hazard

6.0 GATHER EVIDENCE OF VIOLATIONS/HAZARDS 9

7.0 GATHER EVIDENCE OF OWNERSHIP 9

8.0 PROCEEDINGS - PART III OF THE PROVINCIAL OFFENCES ACT 10
- 8.1 Consult With Crown, Provincial Or Municipal Prosecutor
- 8.2 Swearing The Information
- 8.3 Notice Of Intent And Record Of Previous Conviction(s)
- 8.4 Pre-Court Inspection
- 8.5 Attend Court
- 8.6 Obtain A Record Of Conviction(s)
- 8.7 New Inspection

9.0 OBTAIN COURT ORDER TO CLOSE OR REMOVE 13

10.0 INSPECTION FLOWCHART 15

APPENDICES

A-1	Information	• instructions
A-2	Information	• offence occurred on a specific date and involving a hotel
A-3	Information	• offence occurred between stated dates
A-4	Information	• multiple defendants involving the same property
A-5	Information	• multiple defendants, all charges do not apply to all defendants
A-6	Information	• for failing to comply with an Order
B-1	Summons	• instructions
B-2	Summons	• offence occurred on a specific date
B-3	Summons	• offence occurred between stated dates
C-1	Summons to Witness	• instructions
C-2	Summons to Witness	• sample
D-1	Witness Statement	• instructions
D-2	Witness Statement	• sample
E-1	Application for Certificate of Previous Conviction	
F-1	Notice of Intent	• instructions
F-2	Notice of Intent	• one defendant
F-3	Notice of Intent	• multiple defendants
G-1	Prosecutor Brief	• instructions
G-2	Prosecutor Brief	• information for the Prosecutor
H-1	Personal Qualifications	• instructions
I-1	Suggested Penalties	• information for the Prosecutor for suggesting penalties once a conviction is obtained
J-1	File Notes	• instructions
J-2	File Notes	• sample
K-1	Fire Safety Inspection Report	• instructions
K-2	Fire Safety Inspection Report	• an example

Attachments: Forms – Sample Fire Safety Inspection Report (Page 1 of the form)
Sample Fire Safety Inspection Report (Supplemental Pages)
Sample Inspection Checklist
Sample Inspection Notes (for file notes)
Sample Property Information

April 3, 2000
OFM Section: Fire Safety Standards at (416) 325-3100

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Abstract

Conducting fire safety inspections is a necessary part of achieving a fire safe community. It is th responsibility of fire departments to conduct certain Code enforcement inspections when they receive complaints or when requested to address a fire safety issue. In some instances it may become necessary for the fire department to prosecute individuals or corporations for violation(s) of the Ontario Fire Code or for failure to comply with an order issued under the authority of the *Fire Protection and Prevention Act*, 1997. This guide will help fire department officials to establish an operational guideline for inspection and enforcement purposes.

For detailed information on prosecuting Fire Code violations under Part I of the *Provincial Offences Act,* refer to the Office of the Fire Marshal guideline "TG-05-1998, Commencing Proceedings Under Part I of the Provincial Offences Act".

1.0 SCOPE

The Office of the Fire Marshal has developed this guideline to assist fire departments in meeting their inspection and enforcement responsibilities. The guideline is not a complete reference for al fire safety and Code enforcement issues. If you require further information or assistance, please contact the appropriate Regional Office of the Fire Marshal and your legal adviser(s).

This guide consists of:

- a sample enforcement process
- explanation of the process
- decision/flow chart
- a document package complete with instructions

Persons who are designated as an inspector under the provisions of the *Fire Protection and Prevention Act* (FPPA) must be familiar with the limits of their authority as outlined under the FPPA. Before proceeding further, you should review in detail Section 15 and Parts VI through VIII of the FPPA.

2.0 BACKGROUND

Once a serious fire hazard has been recognized or Fire Code violations have been identified by the fire department, there is an obligation to take appropriate action to ensure that the hazards are rectified. Notifying the owner or person(s) responsible for the unsafe conditions and violations should be the first step.

When dealing with Fire Code violations it is important to note that fire officials do not have authority to permit an extension of time to comply. Fire officials commonly notify owners of violations and allow the owner to remedy the violation without initiating a court proceeding. This practice promptly addresses the risks to life safety, educates the owner about the importance of Fire Code compliance and reduces the need for court action. However, where the owner does not correct the hazard or violation within a reasonable period of time, enforcement becomes necessary. In some instances, due to the nature of the deficiency, it may take some time for the owner to correct the deficiency even when they initiate corrective action right away. In situations of this nature, a written commitment made by the owner outlining his/her intent to correct the problem(s) within a specified period of time may be required. Obtaining this commitment is important in order to restore the desired level of fire safety in the property and from a concern fo the credibility and liability of the fire department. Comprehensive inspection and enforcement practices should be outlined in fire department standard operating procedures. This would standardize the inspection process and ensure that all persons are dealt with fairly. Taking steps to prosecute is one of the few options available to a fire department when the owner does not comply with the legislation.

Proper training of the individuals responsible for fire safety within your community and a consistent inspection process should reduce the necessity for enforcement to a minimum.

Note that there may be instances where it is necessary to initiate a prosecution immediately. Examples may include repeated violations by the same person or the refusal to immediately correct a serious hazard.

When enforcement does become necessary, you must be as prepared as is reasonably possible.

The following sections of this guideline may assist you in setting up an enforcement process for your department. Each section will provide you with comprehensive information pertaining to important issues involved with this process.

3.0 RECORDS/DOCUMENTATION/FORMS

Keeping accurate written records is essential. Retaining a thorough chronology of events and observations including reference to date and time is essential throughout this process. Document necessary information, including details about the violations and hazards. These records should include: the reason for doing the inspection, a building description, name and position/occupation of the person contacted, statement by the responsible person as to their responsibility (i.e., John Smith said that his company, 123456 Ontario Limited, owns the building and that he is the president). In addition, document your actions taken including the results of the inspection, a copy of the notice served upon the owner, any conversations relevant to the property including telephone calls, and any other information relevant to your involvement with the property.

Taking steps to prosecute will also involve the use of forms prescribed by regulations made under the *Provincial Offences Act* (POA). The sample forms used in the Appendix of this guideline have been prepared for example purposes only and are not reflective of the actual forms provided by the court. A supply of applicable forms that are prescribed by regulations made under the POA may be obtained from your local court office.

For proceedings under Part III of the *Provincial Offences Act*, you must obtain the following forms:

- an "information" under section 23 of the POA – Form 105,
- a "summons" under section 24 of the POA – Form 106, and
- a "summons" under section 39 of the POA – Form 109.

For initiating proceedings under Part I of the Provincial Offences Act, ticket book sets are similarly available. For information on commencing proceedings under Part I of the Provincial Offences Act, refer to the Office of the Fire Marshal guideline "TG-05-1998, Commencing Proceedings Under Part I of the Provincial Offences Act".

4.0 INSPECTION PRACTICES

Every inspector designated under Part VI of the FPPA must understand their authority and limitations to enter properties and to conduct inspections. (Refer to Sections 18, 19 and 20 of the FPPA.) Inspectors must obtain a warrant authorizing entry where necessary and be prepared to initiate proceedings against individuals who obstruct, interfere, hinder or prevent them from exercising their powers or duties.

The owner should be notified in writing of any violations of the Ontario Fire Code as soon as possible upon completion of the inspection. This should be done by means of one consistent report form, for example, the Fire Safety Inspection Report (Appendix K-2). Where it is not possible to contact the owner personally, a copy of the notice may be hand delivered to a party representing the owner such as a building superintendent or other employee who may be on site. The owner must always be notified. If necessary, the notice can be mailed to their last known address using regular letter mail, or by another appropriate manner as outlined in Section 77 of the FPPA.

Any violations that are a severe hazard should be resolved immediately or alternative measures instituted. For example, the owner could be directed to unlock locked exits or establish a fire watch pending the repair of a fire alarm system. These violations should still be recorded on the Fire Safety Inspection Report, even if corrected while you are present. Where temporary alternative measures have been implemented, a record of these should also be retained.

Where a risk of fire poses an immediate threat to life, the provisions of Section 15 of the FPPA should be used. These provisions allow the fire department to take direct action to remove or reduce the threat under certain circumstances. For instructions on dealing with an immediate threat to life, refer to Office of the Fire Marshal guideline, "TG-01-1999, Orders, Orders To Close and Immediate Threat to Life".

When scheduling a reinspection for compliance, the inspector should consider the severity of the hazard, and the amount of time required to make the corrections. When discussing this with the owner, and the owner indicates a willingness to comply, but scheduling compliance may be a factor, you can ask for a written commitment outlining a schedule for the corrective measures. This will provide the fire official with some comfort that the corrective measures will be addressed and permits the owner to demonstrate due diligence in remedying the hazards/violations. The schedule would then be utilized to monitor compliance. If the owner indicates that they will not comply, indicate that you will proceed with court action.

Where there is no reason for the owner not to be aware of a fire safety hazard and their responsibilities for fire safety, it may be more appropriate to initiate prosecution immediately. Examples of this may include: repeat offences by the same person, a locked exit door in a place of public assembly, or a fire alarm or sprinkler system that has been shut down without valid reason. In other words, if the owner is not able to demonstrate due diligence (i.e., that they have taken every reasonable action to ensure compliance), then they should not be allowed time to achieve

compliance since the owner is responsible for complying with the Fire Code at all times unless otherwise noted. They are responsible to ensure that violations and hazards do not occur – not just to correct them when told to by an inspector. When initiating prosecution, issue a notice identifying the violations without reference to a further compliance date and inform the owner that they are being charged for these offences.

Where a hazard has been identified that is not addressed by the Fire Code, it may be appropriate to use an Inspection Order issued under Section 21 of the FPPA. Prior to issuing such Order, you may choose to make the owner aware of your concern, in writing, in order that the issue can be resolved without requiring an Order. If the hazard is not resolved within an allotted time, issue the Inspection Order. For further information regarding the preparation and use of Orders, refer to the Office of the Fire Marshal guideline "TG-01-1999, Orders, Orders To Close and Immediate Threat to Life".

While conducting inspections, several other factors must be considered. It is also necessary to consider the environmental impacts of potential fires when determining if any remedial action should be taken. The risk of a fire occurring in such a situation may be relatively low, but the impact may be significant. Also, situations in which people's health and safety may be seriously endangered must also be considered. The Office of the Fire Marshal is available to assist in assessing these potentially complex situations. Contact the Regional Office of the Fire Marshal serving your area.

5.0 FOLLOW-UP INSPECTION/ENFORCEMENT OPTIONS

If an inspection identified violations/hazards, a follow-up visit to the property is required to determine whether the violations/hazards were corrected. If any additional violations/hazards are noticed, they should be recorded. If not already addressed, an additional notice should be issued to the responsible person.

If you determine that the violations/hazards are corrected, record it and file your report.

Where you determine compliance has not been attained, you should take action using one or a combination of the following:

- obtaining a written commitment from the owner,
- obtaining a compliance order,
- proceeding to prosecute for failure to comply, or
- obtaining an order authorizing the inspector to correct the hazard.

5.1 Obtain Written Commitment From The Owner

After determining that the violations were not corrected during your follow-up inspection, you may ask for a written commitment to be made by the owner to have them corrected. The commitment should include a detailed schedule for compliance with progress and completion dates that consider the importance of the particular hazard(s). Where fire safety features are not operable, suitable alternative measures should be established as an interim measure, until the necessary repairs are effected (if not already implemented). The details of the alternative measures should be included in the written commitment. If the building has a Fire Safety Plan, it may contain procedures relating to alternative measures.

Conduct follow-up inspection(s) as necessary to determine whether the violations are being/have been corrected in accordance with the schedule.

5.2 Obtain A Compliance Order

An assistant to the Fire Marshal may apply to the Superior Court of Justice [formerly the Ontario Court (General Division)] for an order requiring the person to comply with an Inspection Order, or to remedy any contravention of a provision of the Fire Code. The authority to apply for a compliance order is outlined under Section 32 of the FPPA. The order would be obtained by way of an original application, which would be commenced by means of a notice of application. Fire officials should consult with their respective legal advisers for assistance in undertaking this action.

A person who fails to comply with a compliance order issued by the courts may be subject to contempt proceedings of that court.

5.3 Prosecuting For Failure To Comply

Failing to comply with a provision of the Fire Code is an offence under Section 28 of the FPPA. Failing to comply with an Inspection Order is an offence under Section 30 of the FPPA.

Every assistant to the Fire Marshal has a duty to take steps to enforce compliance where the "owner" (as defined under the Fire Code) has failed to remedy a contravention of the Fire Code or failed to comply with an Order and is unable to demonstrate due diligence. "Due diligence" means that every effort reasonable in the circumstances has been taken to comply.

After determining that the violations were not corrected during your follow-up inspection, ask the owner if he/she intends to have them corrected. If the owner refuses to provide a written commitment, you would advise him/her that you have no recourse but to proceed to prosecute. Explain why a prosecution would be necessary and for which violations/hazards. Identify to the owner the violations for which charges will be laid, including the potential penalties.

5.4 Obtaining An Order Authorizing The Inspector To Correct The Hazard

Section 33 of the FPPA outlines the process for obtaining an Order from the Fire Safety Commission authorizing the inspector to correct the hazard. Refer to Section 33 of the FPPA for details pertaining to this process. This process requires the preparation and service of an order made under subsection 21 (1) or (2) or section 25 or 26 of the FPPA. For assistance with preparation of an order, refer to the Office of the Fire Marshal guideline "TG-01-1999, Orders, Orders to Close And Immediate Threat To Life".

6.0 GATHER EVIDENCE OF THE VIOLATIONS/HAZARDS

When taking steps to:

- obtain a compliance order,
- prosecute for failure to comply, or
- obtain an order authorizing the inspector to correct the hazard,

it will be up to the fire official to prove that a serious hazard exists and/or a contravention of Par VII of the *Fire Protection and Prevention* has occurred.

Evidence of this nature may often consist of:

- your recollection of the events substantiated by written notes,
- a copy of the fire safety inspection report, an Inspection Order, or other relevant documentation.

It may also be appropriate to introduce other evidence where such information will assist in supporting your statements. This evidence could consist of:

- photographs of the violations (photographs need to have the date they were taken, the photographer's name, and an adequate description written on the back to make it clear what the photograph illustrates, in order to be credible),
- sketches or simple drawings of the site or the building indicating the violations, and
- statements by witnesses.

7.0 GATHER EVIDENCE OF OWNERSHIP

It is necessary for you to prove that the person(s)/corporation, or other party charged are responsible for the contravention. Normally, the owner of the property is responsible for ensuring compliance. In some circumstances, however, another person such as a tenant, a restaurant or office manager, or an occupant might be responsible for the violation. For our purposes, the person responsible is the person who has control of the thing constituting the hazard. Refer to the definition of "owner" in Part 1 of the Fire Code. For example, where a fire alarm system has not been periodically tested the owner and/or property manager would probably be responsible. A locked exit within a tenant occupied space would probably be the responsibility of the tenant or perhaps the office or restaurant manager.

Evidence that identifies the responsible person(s) may include:

- An admission by the owner (or an officer of the owning company) that they own the premises in question. The admission statement should be documented by the inspector. It is important to ensure that you have clear details. For example, determine if, in fact, the person's spouse owns the property, or they are the treasurer or other executive officer of 123456 Ontario Limited, which owns the property.
- An admission by a person that they have responsibility for the hazard. For example, determining who the manager of the restaurant is and whether they have the key to a locked exit door would establish their responsibility. Detail and record the person's name and position as well as why they are responsible.
- A copy of the municipal tax records that identify the owner or tenant. This can be obtained from the municipal office responsible for property tax collection.
- A certified copy of the Land Title including the legal description of the property. This can be obtained from the Ministry of Consumer and Commercial Relations' Land Registry Office for your area. There is a fee for this service.
- A certified copy of the Articles of Incorporation if the responsible party is identified as a company. The Articles of Incorporation identify the officers of the company, their addresses and the company's address. This can be obtained from the Ministry of Consumer and Commercial Relations' Companies Branch located at 393 University Ave., 2nd Floor, Toronto (416-314-8880). There is a fee for this service.
- Statements made by witnesses. Such statements could indicate that rents were paid to the subject person, or that the subject person exercised control of the property. Have a witness statement completed for each witness that you intend to use.

8.0 PROCEEDINGS - PART III OF THE PROVINCIAL OFFENCES ACT

Proceedings under Part III of the POA are commenced by swearing an **information** before a justice. An information is a document that names the defendant and describes the offence. Any person may lay an information using the appropriate prescribed Form 105. (There are also provisions for commencing proceedings under Part I of the POA for certain violations under the Fire Code. Refer to the Office of the Fire Marshal guideline "TG-05-1998, Commencing Proceedings Under Part I of the Provincial Offences Act" for guidance on this subject.)

There are two versions of the information "Form 105". A long form version is for use when there are two or more charges. A short form version is for use when there is only one charge. The short form version of the Form 105 is preprinted in a snapset format, so that what is typed on the information transfers through to a summons "Form 106" that is attached. This feature reduces the need to prepare a separate summons for the charge.

A **summons** must be completed and served on the accused to ensure that they may be present in the Court to answer the charge. Complete a summons on a Form 106 for each charge that is listed in a long form version of an information Form 105. Complete the Form 106 in accordance with the appropriate example provided in the Appendix B.

The **instructions for Crown, Provincial Prosecutor or Municipal Prosecutor (Prosecutor Brief)** provide relevant information necessary for them to present your case. See the attached example in Appendix G. This is not a court document, but should be used as a guide for you to create your own. Determine the format for this through consultation with your applicable Prosecutor.

The **inspector's qualifications** help the Prosecutor to establish your credibility as a witness by detailing your professional experience, your training and knowledge, and your court experience. Refer to the attached example in Appendix H that may be used as a guide to create your own. (Do not worry if you lack the experience.)

Summons to witness ensures that any supporting witnesses will be present at the trial. Summons forms can be obtained from the local court administrator, Justice of the Peace or police service. The **witness statement** is not a court document. The witness statement indicates what the evidence is expected if the witness attends. The examples in Appendix C and D may be used as a guide to create your own.

8.1 Consult With Crown, Provincial Prosecutor, Or Municipal Prosecutor

It is recommended that you consult with the Crown, Provincial Prosecutor or Municipal Prosecutor having jurisdiction for your area whenever necessary. A meeting may help to ensure that you have the information necessary to prosecute your case successfully. The meeting may take place prior to swearing the information. This is not necessary in all cases. Once you have established a relationship with your Prosecutor, repetitive meetings should not be necessary. If you are having difficulty completing the forms, contact the Regional Office of the Fire Marshal serving your area.

Once you have established a relationship with your respective Crown/Provincial/Municipal Prosecutor, the process and the completion of the required information should become much easier. The Crown/Provincial/Municipal Prosecutor will become more familiar with fire safety legislation and you will become more familiar with the type of information and degree of detail required by them.

8.2 Swearing The Information

The informant (fire official) must prepare and bring the information before the justice who will consider the matter in the presence of the informant pursuant to Section 23 of the POA. It is also suggested that the informant provide completed summons for authorization by the justice in Form 106. The informant (fire official) must demonstrate reasonable and probable grounds to believe

that the person(s) named in the information committed an offence, and swear under oath to the facts contained in the information.

If the justice is satisfied that the complaint is warranted, the justice signs the information. At thi point proceedings are commenced.

Obtain from the Justice of the Peace the court date that they have scheduled for the prosecution.

Determine how the summons will be served. The summons must be served in accordance with the law. Assistants to the Fire Marshal are not authorized to serve summons under Part III of the POA. Assistants to the Fire Marshal have only been appointed as Provincial Offences Officers for the purpose of all offences under the Fire Code commenced under Part I of the POA. Only a Provincial Offences Officer designated to do so (such as a police officer or other person specifically appointed) may serve the summons and summons to witness. Check with the Provincial Offences Officer well in advance of the court date to ensure that the summons was properly served.

8.3 Notice Of Intent And Record Of Previous Conviction(s)

Follow instructions as directed by the Crown, Provincial or Municipal Prosecutors.

The Prosecutor may determine that a Notice of Intent is necessary. If the Prosecutor advises you that one is required, prepare a Notice of Intent and ensure that it is delivered to the accused and/or their legal counsel. A Notice of Intent is required under the *Evidence Act*. A Notice of Intent is a notification to the defendant that specific documents will be used in court. It is given to the accused so that they cannot claim that they have not had the opportunity to prepare a proper defence. Without a Notice of Intent, documentary evidence can not be entered into evidence at the trial. Refer to Appendix F for a sample of a letter of intent.

A record of previous conviction(s) should be obtained from the court prior to the court date, if the Prosecutor determines that this would be appropriate. You would request certified copies of the information from a previous trial(s) from the court office. This can then be presented at the completion of the trial to indicate any previous convictions and may affect sentencing. Refer to Appendix E for more information on this subject.

8.4 Pre-Court Inspection

Inspect the property as close to the court date as possible to determine the status of the violations/hazards. Record your observations.

8.5 Attend Court

The purpose of going to court is to establish a consequence for non-compliance and ensure that the fire hazards will be addressed in an appropriate manner permitted by law. It will resolve any dispute with the owner as to their fire safety responsibilities.

The following suggestions are to assist you in providing evidence as a credible witness:

- Arrive early, meet with Prosecutor and brief her/him. Make yourself readily available to the Prosecutor during the trial.
- Do not discuss the case with anyone other than the Prosecutor.
- Show respect for the court by being properly dressed (full uniform if possible), removing hat and coat, and addressing all persons in the court with due courtesy.
- Be prepared to take notes.
- Be prepared to advise on acceptable court dates in case of a remand.
- When giving evidence, listen to the complete question before answering. If necessary, request that it be repeated or state that you do not understand, so that the question may be re-phrased.
- Answer only the question asked, adding only necessary clarifications.
- Do not guess at answers, if you do not know the answer, say so.
- Speak clearly, use simple and understandable language, do not try to be funny. Do not lose your temper or argue.
- You can testify only to facts within your own knowledge. Generally, things that others told you or information from telephone conversations cannot be introduced.
- Before referring to your notes, ask permission of the Justice. The defence may ask to review these notes and can question their use if they were not made at the time of the event recorded (or as soon as possible afterward), or if they were not made by you.
- The proper form of address is:
  Justice of the Peace – Your Worship, Sir or Madam
  Judges –Your Honour, Sir or Madam
  Lawyers – Sir or Madam
- Discuss with the Prosecutor on an appropriate fine to suggest to the court, and the reasons for your suggestion. Refer to Appendix I-1 for guidance outlining suggested penalties. The Prosecutor and the judiciary should be made aware of the serious consequences that may occur for failure to comply with Fire Code violations. The judiciary should also be informed that by imposing a significant fine, he/she is sending a strong message to would-be offenders that fire safety violations will not be tolerated. Each fire department has received a copy of a video entitled "Ontario's Health and Safety – It's In Your Hands". The video should be reviewed by the Prosecutor sometime in advance of the trial if he/she is not familiar with the Fire Code and the FPPA. The presiding judiciary may also be invited to review the video after a conviction to consider the information before sentencing.

8.6 Obtain A Record Of Conviction(s)

After the trial, obtain a record of conviction from the court office for your file. Refer to Appendix for guidance in this area. You may wish to determine afterwards if the fine was paid.

8.7 New Inspection

If the pre-court inspection indicated the violations were not corrected, wait thirty days (to allow for an appeal) and then conduct a new inspection. If the violations are still not corrected, obtain a court order under Section 31 of the FPPA or commence another prosecution.

9.0 OBTAIN COURT ORDER TO CLOSE OR REMOVE

Section 31 of the FPPA contains provisions where the Fire Marshal, an assistant to the Fire Marshal or a fire chief may apply to the Ontario Court of Justice [previously the Ontario Court (Provincial Division)] for an order:

- if a person who has been convicted for failing to comply with an order has not complied with the order within 30 days of the conviction, or
- if a person who has been convicted of an offence for contravening a provision of the Fire Code has not ceased to contravene the provision or remedied the contravention within 30 days of the conviction.

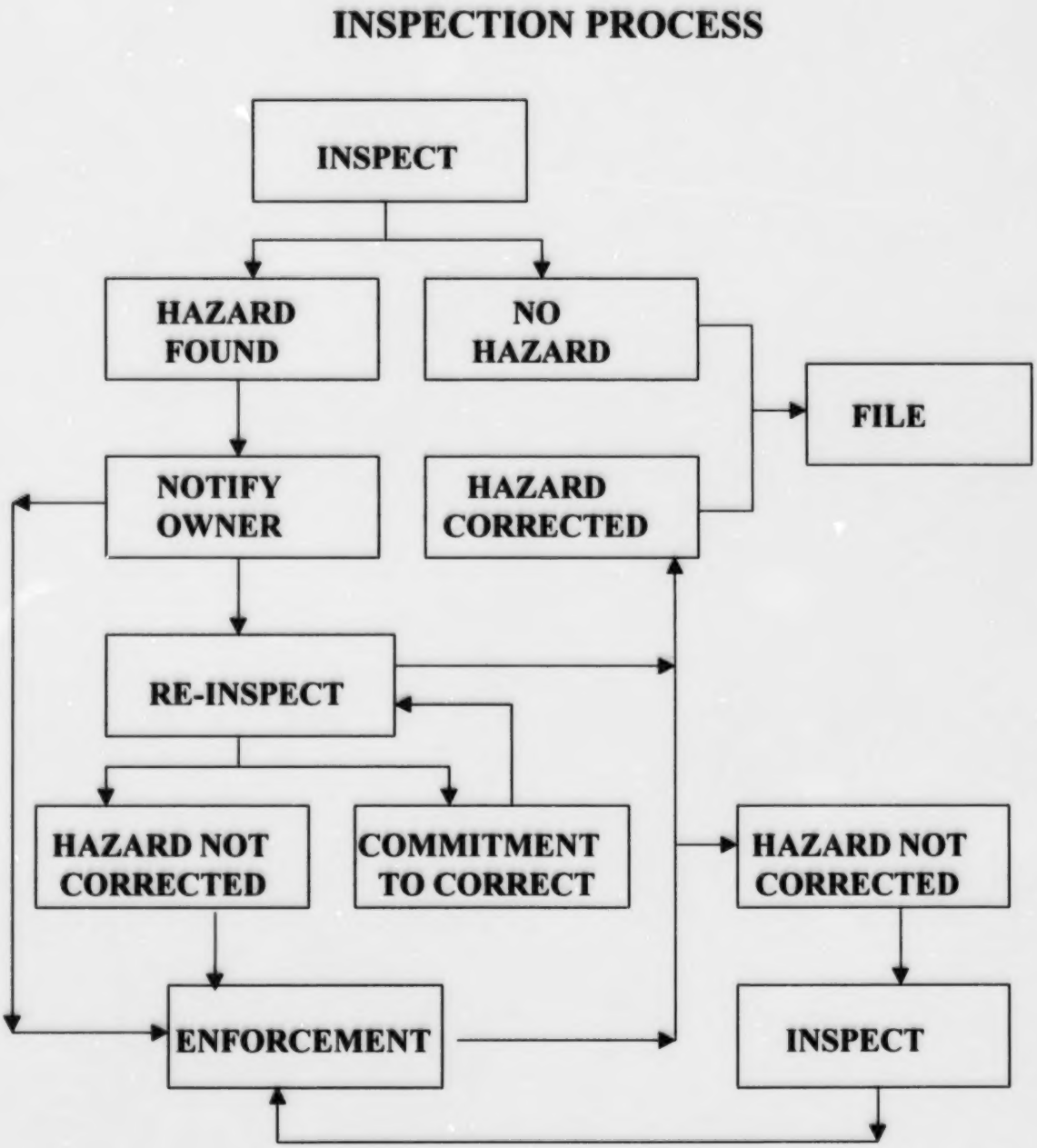
This application can be made without notice to the person who has been convicted.

The judge may, if in his or her opinion it is necessary in the interest of public safety, order that th Fire Marshal, assistant to the Fire Marshal or fire chief:

- close access to, or remove, the building, structure or premises to which the order relates; or
- remove any substance, material or thing from the building, structure or premises.

Consult with your legal adviser to assist you in undertaking this action.

10.0 INSPECTION FLOWCHART



APPENDIX A-1
INFORMATION

An **Information** is a declaration by an informant (you), that you have "reasonable and probable grounds" to believe, and do believe that an offence has been committed.

An **Information** must include:

A) The Judicial Region within which the offence occurred.

B) The name, address and occupation of the informant.

C) The name and address of the person/party charged. Note that examples A-4 and A-5 demonstrate how to complete an **Information** where more than one person or party is being charged.

D) The date of the offence. Depending on the circumstance, it may be most appropriate to state the charge as either "on or about" a specific date, or "between this date and that date". See the corresponding example, A-2 or A-3.

E) The location where the offence occurred.

F) The relationship of the person/party charged to the property.

G) A brief description of the offence, the regulation number and act involved. Note that examples A-4 and A-5 demonstrate how to complete an **Information** where more than one person or party is being charged. Use A-4 when the same charges apply to all persons/parties. Use A-5 when not all the charges apply to all of the persons/parties charged.

H) The location and date that the **Information** was sworn to.

I) The signature of the Judge or Justice of the Peace accepting the information.

J) The signature of the informant who has sworn the information to be true.

(A-2 SAMPLE ONLY)

ONTARIO COURT (PROVINCIAL DIVISION)

INFORMATION

Under Section 24 of the Provincial Offences Act

Form 105
Courts of Justice Act

(Insert the name of the judicial region within which the offence occurred.)

This is the information of *John Henry* of *Anywhere City Fire Dept*

Fire Prevention Officer (Occupation) I have reasonable and probable grounds to believe and do believe that

Samual Smith
147 Smith Street
Anywhere, Ontario

on or about the

20th day of *February,* 19 *99* at *Smith Waterway Hotel, 43 Tim Street*

City of Anywhere, Province of Ontario did commit the offence of

While being the hotel keeper of the Smith Waterway Hotel, 43 Tim Street, Anywhere, Ontario did fail to ensure that the doors in the stairway separation were not wedged open, to wit: situated between the firs floor main entrance, the first floor exit corridor and second floor exit corridor as provided in Section 70(d) of O. Reg. 640, 1990 as amended and Article 1.1.6.2. of O.Reg. 388/97, as amended and did thereby commit an Offence

Contrary to *Fire Protection and Prevention Act 1997* *S.O. 1997, Chapter 4*

Section *Section 28*

_____
Signature of Informant

SUMMONS RETURNABLE

Sworn before me at _____

This ____ day of _____ 19__ At _____

_____ On the ____ day of _____ at ____ M
A judge or justice of the peace and for the Province of Ontario

At _____
Courtroom

(Sec.23)

Summons for _____ 19 ___ Confirmed on _____ 19 ___ _____

Date _____

Pleads ☐ Guilty ☐ Not Guilty ☐ Withdrawn

Found ☐ Guilty ☐ Not Guilty ☐ In Absentia ☐ Sentence Suspended

Fined $ _____ & $ _____ costs. Time to pay _____

_____ Date of Birth _____ (D M Y)

Probation for _____

Exhibits Filed ☐ Yes ☐ No

Sentenced to Imprisonment for _____

_____
A judge or justice of the peace in and for the Province of Ontario

(A-3 SAMPLE ONLY)

ONTARIO COURT
(PROVINCIAL DIVISION)

INFORMATION
Under Section 24 of the Provincial Offences Act

Form 105
Courts of Justice Act

(Insert the name of the judicial region within which the offence occurred.)

This is the information John Jones of *Mimico City Fire Dept*

Fire Prevention Officer (Occupation) I have reasonable and probable grounds to believe and do believe that

Richard Smith
1 Any Street
City of Mimico, Ontario

on or about the

Between the 7th day of August 1999, and the 3rd day of September 1999

day of 19 at *123 Any Street in the*

City of Mimico, Province of Ontario did commit the offence of

While being the owner of 123 Any Street, Mimico, Ontario did fail to maintain required exit signs in a clearly visible, clean and legible condition, to wit: in basement corridor, as required by Article 2.7.3.1. of O.Reg. 388/97, as amended and did thereby commit an Offence

Fire Protection and Prevention Act 1997
Contrary to *S.O. 1997, Chapter 4*

Section *Section 28*

Signature of Informant

SUMMONS RETURNABLE

Sworn before me at

This day of 19 At

A judge or justice of the peace and for the Province of Ontario

On the day of 19 at M

At
Courtroom

(Sec.23)

Summons for 19 Confirmed on 19

Date	
	Pleads ☐ Guilty ☐ Not Guilty ☐ Withdrawn
	Found ☐ Guilty ☐ Not Guilty ☐ In Absentia ☐ Sentence Suspended
	Fined $ & $ costs. Time to pay
	Date of Birth (D M Y)
	Probation for
Exhibits Filed ☐ Yes ☐ No	Sentenced to Imprisonment for

A judge or justice of the peace in and for the Province of Ontario

(A-4 SAMPLE ONLY)

INFORMATION Under Section 24 of the Provincial Offences Act

Form 105
Courts of Justice Act

Ontario Court
(Provincial Division)
Province of Ontario

This is the information of *Harry Smith*

of *Anywhere City Fire Department, 10 Elm Street, Anywhere, Ontario*

Fire Prevention Officer
(occupation)

I have reasonable and probable grounds to believe and do believe that
(Insert the name of the judicial region within which the offence occurred.)

Samuel Smith *147 Smith Street* *Anywhere, Ontario*	*and*	*12345 Ont. Limited* *43 Tim Street* *Anywhere, Ontario*	*and*	*Hilda Day* *147 Smith Street* *Anywhere, Ontario*

on or about the *12th* day of *February* 19*99* at the *Smith Restaurant*

43 Tim Street, City of Anywhere, Province of Ontario did commit the offence of

Count 1 *While being the owner, of Smith Restaurant, 43 Tim Street Anywhere, Ontario, did fail to have the fire alarm system tested to requirements of Article 6.3.2.2., of O. Reg. 388/97, as amended, and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4, Section 28.*

Count 2 *And further that Samuel Smith and 12345 Ont. Limited and Hilda Day, on or about the 20th day of February 1999 while being the owner of Smith Restaurant, 43 Tim Street, Anywhere, Ontario, did fail to provide a minimum stock of spare sprinkler heads, as required by Clause 6.5.6.5.(3)(a) of O. Reg. 388/97, as amended, and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4, Section 28.*

(A-5 SAMPLE ONLY)

INFORMATION Under Section 24 of the Provincial Offences Act

Form 105
Courts of Justice Act

Ontario Court
(Provincial Division)
Province of Ontario

This is the information of *John Friday*

of *Anywhere City Fire Department, 200 Queen Street, Anywhere Ontario*

Fire Prevention Officer
(occupation)

I have reasonable and probable grounds to believe and do believe that
(Insert the name of the judicial region within which the offence occurred.)

Lyle Smith
4-10th Street
Anywhere, Ontario

and

14689 Ontario Ltd.
2-12th Street
Anywhere, Ontario

on or about the *6th* day of *September* 19*99* at the *2-12th Street, Anywhere, Ontario*

did commit the offence of

Count 1 *While being the owners of 2-12th Street, Anywhere, Ontario did fail to have required exit signs clearly visible in a clear and legible condition, to wit: in basement corridor, as provided in Article 2.7.3.1. of O. Reg. 388/97 as amended and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4, Section 28.*

Count 2 *And further that said Lyle Smith and 14689 Ontario Ltd. While being the owners of 2-12th Street, Anywhere, Ontario on or about the 6th day of September, 1999, did fail to keep exit lights clearly illuminated at all times when the building was occupied, to wit: Northwest exit, 1st floor, as provided in Article 2.7.3.2. of O. Reg. 388/97 as amended and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4, Section 28.*

Count 3 *And further that the said Lyle Smith on or about the 6th day of September 1999 while being the owner of 2- 12th Street, Anywhere, Ontario, did fail to post a fire emergency procedures copy on each floor, to wit: the 3rd floor, as provided in Article 2.8.2.5. of O. Reg. 388/97 as amended and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4,* Section 28.

(A-6 SAMPLE ONLY)

INFORMATION Under Section 24 of the Provincial Offences Act

Form 105
Courts of Justice Act

Ontario Court
(Provincial Division)
Province of Ontario

This is the information of *Samuel Spade*

of *Anytown, Ontario*

Fire Prevention Officer
(occupation)

I have reasonable and probable grounds to believe and do believe that

(Insert the name of the judicial region within which the offence occurred.)
Mobile Homes Inc.
150 South Street
Anytown, Ontario

on or about the *1st* day of *January* 19*99* at the *150 South Street*

Anytown, Ontario did commit the offence of

Breach #1 *being the owner of Mobile Homes Inc. located at 150 South Street, Anytown, Ontario, did fail to comply with an Order of an assistant to the Fire Marshal dated September 1, 1998, pursuant to Subsection 21(1) of the Fire Protection and Prevention Act 1997, S. O. 1997, Chapter 4, by failing to provide fire department access lanes so that any unit in any group is within 75 metres of such access lanes, and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S. O. 1997, Chapter 4, Section 30.*

Breach #2 *And further that Mobile Homes Inc. on or about the 1st day of January, 1998, while being the owner of 150 South Street, Anytown, Ontario, did fail to comply with an Order of an assistant to the Fire Marshal, dated September 1, 1999, pursuant to 21(1) of the Fire Protection and Prevention Act 1997, S. O. 1997, Chapter 4, by failing to have hydrant protection connected to the municipal water distribution system and did thereby commit an offence contrary to the Fire Protection and Prevention Act 1997, S. O. 1997, Chapter 4, Section 30.*

APPENDIX B-1

SUMMONS

A **Summons** is an order from the Court telling a person or party charged with an offence, to appear in Court.

Note that the **Summons** is the second and third pages of the **Information** short Form 105.

The **Summons** must include:

A) The Judicial Region within which the offence occurred.

B) The name and address of the person/party charged.

C) The date of the offence. Depending on the circumstance, it may be most appropriate to state the charge as either "on or about" a specific date, or "between this date and that date". See the corresponding example, B-2 or B-3.

D) The location where the offence occurred.

E) The relationship of the person/party charged to the property.

F) A brief description of the offence, the regulation number and act involved.

G) The location and date that the **Summons** was issued, and the signature of the Judge or Justice of the Peace.

H) The location, date and time that the defendant is to appear in Court.

(B-2 SAMPLE ONLY)

ONTARIO COURT
(PROVINCIAL DIVISION)
Province of Ontario

SUMMONS
Under Section 24 of the Provincial Offences Act

Form 106
Courts of Justice Act

(Insert the name of the judicial region within which the offence occurred.)

Samual Smith
147 Smith Street
Anywhere, Ontario

Whereas you have been charged before me that you, on or about the

20th day of *February,* 19 *99* at *Smith Waterway Hotel, 43 Tim Street*

City of Anywhere, Province of Ontario did commit the offence of

While being the hotel keeper of the Smith Waterway Hotel, 43 Tim Street, Anywhere, Ontario did fail to ensure that the doors in the stairway separation were not wedged open, to wit: situated between the first floor main entrance, the first floor exit corridor and second floor exit corridor as provided in Section 70(d) of O. Reg. 640, 1990 as amended and Article 1.1.6.2. of O. Reg. 388/97, as amended and did thereby commit an Offence

Fire Protection and Prevention Act 1997

Contrary to *S.O. 1997, Chapter 4*

Section *Section 28*

Issued at _____

This ____ day of _____ 19 ____

_____
A judge or justice of the peace and for the Province of Ontario

THEREFORE you are commanded in her Majesty's name to appear before the Ontario Court (Provincial Division)

At _____

On the ____ day of _____ at ____ M

At _____
Courtroom

AND TO APPEAR THEREAFTER AS REQUIRED BY THE COURT TO DEAL WITH ACCORDING TO LAW

NOTE TO DEFENDANT:
Appear personally, by agent or counsel.

If you do not appear:
a) the court may issue a warrant for your arrest: or
b) the trial may proceed, and the evidence may be taken in your absence

If you appear:
a) the trial may proceed: or
b) you, or the Prosecutor, may ask the court to adjourn your case to another date. The court may grant or refuse such a request.

(B-3 SAMPLE ONLY)

ONTARIO COURT
(PROVINCIAL DIVISION)
Province of Ontario

SUMMONS
Under Section 24 of the Provincial Offences Act

Form 106
Courts of Justice Act

(Insert the name of the judicial region within which the offence occurred.)

Richard Smith
1 Any Street
City of Mimico, Ontario

Whereas you have been charged before me that you, on or about the

Between the 7th day of August 1999, and the 3rd day of September 1999
____ day of _____ 19 ____ at *123 Any Street in the*

City of Mimico, Province of Ontario did commit the offence of

While being the owner of 123 Any Street, Mimico, Ontario did fail to maintain required exit signs in a clearly visible, clean and legible condition, to wit: in basement corridor, as required by Article 2.7.3.1., of O. Reg. 388/97, as amended and did thereby commit an Offence

Fire Protection and Prevention Act 1997
Contrary to *S.O. 1997, Chapter 4*

Section *Section 28*

Issued at _____

This ____ day of _____ 19 _____

_____
A judge or justice of the peace and for the Province of Ontario

THEREFORE you are commanded in her Majesty's name to appear before the Ontario Court (Provincial Division)

At _____

On the _____ day of _____ at _____ M

At _____
Courtroom

AND TO APPEAR THEREAFTER AS REQUIRED BY THE COURT TO DEAL WITH ACCORDING TO LAW

NOTE TO DEFENDANT:
Appear personally, by agent or counsel.

If you do not appear:
c) the court may issue a warrant for your arrest: or
d) the trial may proceed, and the evidence may be taken in your absence

If you appear:
c) the trial may proceed: or
d) you, or the Prosecutor, may ask the court to adjourn your case to another date. The court may grant or refuse such a request.

APPENDIX C-1

Summons to Witness

A **Summons to Witness** is an order to a person (witness) to attend in Court to give evidence about an offence and includes:

A) The Judicial Region within which the offence occurred.

B) The name and address of the person who has requested the witness.

C) The name and address of the witness.

D) The name of the person/party charged.

E) The date and location of the offence.

F) A brief description of the offence.

G) The date, time and location where the witness must attend.

H) The location and date where the **Summons to Witness** was issued.

I) The signature of the Judge or Justice of the Peace.

(C-2 SAMPLE ONLY)

ONTARIO COURT
(PROVINCIAL DIVISION)
Province of Ontario

SUMMONS TO WITNESS

Under Section 24 of the Provincial Offences Act

Form 109
Courts of Justice Act

_____ At _____

(Police Officer's Name) (Address)

(Insert the name of the judicial region within which the offence occurred.)

To *Samantha Jones*
45 Tim Street
of *Anywhere, Ontario*

NOTE: If you move from the address indicated, or are unable to attend Court, you must inform the above-named Police Officer, prior to the date commanded to attend.

Whereas *Samual Smith* has been charged that the defendant on or about the

20 th day of *February* 19 *99* at *City of Anywhere, Province of Ontario*
(municipality)

did commit the offence of *failing to ensure that the doors in the stairway separation were not wedged open, to wit: situated between the first floor main entrance, the first floor exit corridor and second floor exit corridor*

contrary to *Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4* Section *28*

and I am satisfied that you are able to give material evidence in a proceeding in respect to the above-mentioned charge.

THEREFORE YOU A COMMANDED TO ATTEND BEFORE THE ONTARIO COURT (PROVINCIAL DIVISION) AT

_____
(address) (courtroom)

ON THE _____ DAY OF _____ 19 ___ At _____

TO GIVE EVIDENCE CONCERNING THE ABOVE-MENTIONED CHARGE, and to remain in attendance during the hearing and the hearing as resumed after adjournment from time to time and to bring with you and produce any writing or other thing in your possession or under you control relating to the subject matter of the proceedings, more particularly the following:

Issued at _____

this _____ day of _____

_____
Judge or Justice of the Peace in and for the Province of Ontario

Note: Subsection 42(1) of The Provincial Offences Act is as follows:
Every person who being required by law to attend or remain in attendance at a hearing, fails without lawful excuse to attend or remain in attendance accordingly is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than thirty days, or to both.

APPENDIX D-1

WITNESS STATEMENT

The sample **Witness Statement** provided is a framework for ensuring that the information required of any witnesses is properly recorded.

"TIME / DATE / LOCATION" –

Indicate the time, date and location of the incident (i.e. the inspection of the property).

"NAME, ADDRESS, PHONE NUMBERS" –

The witness's name, address and telephone number.

"ASSOCIATION WITH LOCATION" –

The witness describes how they are associated with the property, (i.e. they are a tenant, patron or owner). For example, "I am a tenant in apartment 3."

"EXPLAIN OBSERVATIONS OF THE EVENTS" –

The witness describes the information they have which is relevant to the inspection. For example, "I pay rent to J.R. Somebody, in person, on the first of every month."

"SIGNATURE / TIME / DATE" –

The witness's signature and the time and date that they signed the statement.

(D-2 SAMPLE ONLY)

WITNESS STATEMENT

(Written in 1ST Person)

Time-
Date-
Location-

Name:
Address:
Phone numbers:

(1st paragraph) - Association with location

(2nd paragraph) - Explain observations of the event(s)

- Before
- During
- After

(always focus on event(s) that are facts)

Signature _____
(witness)

Time/Date _____

(READ OVER BEFORE SIGNING)

APPENDIX E-1

APPLICATION FOR RECORDS OF A PREVIOUS CONVICTION(S)

The sample conviction request form below may be used by the fire department to request a certified copy of information(s) involving previous convictions from the court office.

It is important for the fire department to be able to advise the court (at sentencing), of any prior convictions and whether fines that were imposed have not been paid. This sample form is intended to assist you in obtaining the necessary information.

You may wish to discuss with the Clerk of the Court other acceptable means of gathering this information.

(Originating Source)

The Clerk of the Court
Provincial Court,
_____ , Ontario

Date _____

Please supply to the undersigned, a **CERTIFIED COPY** of:

Informations _____

Release orders _____

Other _____

Re: Date(s) of conviction: (provide date of known conviction)

Re: Date (s) of offence: _____(provide date of offence)___

FOR:

Name: _____

Date of Birth: _____

Date required: _____

Signed: _____

Print Name _____

APPENDIX F-1

NOTICE OF INTENT

The Prosecutor may determine that a **Notice of Intent** is necessary. If the Prosecutor advises you that one is required, prepare a Notice of Intent and ensure that it is delivered to the accused and/or their legal counsel. A Notice of Intent is required under the *Evidence Act*. A Notice of Intent is a notification to the defendant that specific documents will be used in court. It is given to the accused so that they cannot claim that they have not had the opportunity to prepare a proper defence. Without a Notice of Intent, documentary evidence can not be entered into evidence at the trial. Refer to Appendices F2 and F3 for samples of a letter of intent.

The **Notice of Intent** should be given by the inspector to the defendant at the direction of the Prosecutor. It should be hand delivered, if possible.

Appendix F-2 is an example of a **Notice of Intent** that can be used as a guide when there is one defendant. Appendix F-3 should be used as a guide where there is more than one person/party jointly charged.

(F-2 SAMPLE ONLY)

Note: To be hand-served on the defendant

NOTICE OF INTENT

(Insert Originating Source)

Date: (November 25, 1999)

Defendant(s) Mr. R. Sampson
15 Yonge Street
Anywhere, Ontario
L2J 5J1

Mr. R. Sampson:

Whereas you have been charged with the following violation(s) Fire Code, Article(s) ( ) O. Reg. 388/97 as amended, Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4, as amended, Section 28.

TAKE NOTICE that it is intended by the Crown/Provincial/Municipal(insert which ever is applicable) Prosecutor to introduce into evidence, at your forthcoming trial, the following documents:

Certified Copy of Land Registry Title
Notices of violation dated:

[(a) September 15, 1999]
[(b) September 21, 1999]

Correspondence dated October 20, 1999

This Notice is given pursuant to the Ontario Evidence Act.

Dates at (location), Ontario, (date)

Take notice that should you or counsel wish to inspect any of the afore-mentioned documents, same will be made available to you, upon appropriate notice through the office of

_____

Fire Officer (Informant) _____

Fire Department (Location) _____

Received by _____

(F-2 SAMPLE ONLY)

Note: To be hand-served on each defendant

NOTICE OF INTENT

(Insert Originating Source)

Date: (November 25, 1999)

(if charged jointly)

Defendant(s) Mr. R. Sampson
15 Yonge Street
Anywhere, Ontario
L2J 5J1

and

1234 Ontario Ltd.
15 Yonge Street
Anywhere, Ontario
L2J 5J1

Mr. R. Sampson:

Whereas you have been charged with the following violation(s) Fire Code, Article(s) ( )
O. Reg. 388/97 as amended, Fire Protection and Prevention Act 1997, S.O. 1997, Chapter 4, as amended, Section 28.

TAKE NOTICE that it is intended by the Crown/Provincial/Municipal(insert which ever is applicable) Prosecutor to introduce into evidence, at your forthcoming trial, the following documents:

Certified Copy of Land Registry Title
Notices of violation dated:

[(a) September 15, 1999]
[(b) September 21, 1999]

Correspondence dated October 20, 1999

This Notice is given pursuant to the Ontario Evidence Act.

Dates at (location), Ontario, (date)

Take notice that should you or counsel wish to inspect any of the afore-mentioned documents, same will be made available to you, upon appropriate notice through the office of

_____

Fire Officer (Informant) _____

Fire Department (Location) _____

Received by _____

APPENDIX G-1

PROSECUTOR BRIEF - CONFIDENTIAL INFORMATION FOR THE PROSECUTOR

The **Prosecutor Brief** is information that you provide to the Prosecutor to enable them to successfully prosecute your case. The brief should be as complete as possible. The better able you are to provide all the information necessary, the better able the Prosecutor will be to obtain a conviction.

Consult with your Prosecutor to determine if they have a standard form that can be utilized for this purpose. If one is not available, the sample in Appendix G-2 may be used as a guide.

(G-2 SAMPLE ONLY)

PROSECUTOR BRIEF

Accused name in full *Samual Smith*

Alias, if any

Accused age

Accused address *123 Any Street, Apt. 203*
Somewhere, Ontario L4C 5A4

Charge *Violations of the Ontario Fire Code, O. Reg. 388/97 as amended,*
contrary to the Fire Protection and Prevention Act 1997, S.O.1997
chapter 4, as amended Section 28 - See attached

Place where offence or accident happened *56 That Street, Somewhere, Ontario*

Date of Offence *Between January 3, 1999 and February 1, 1999 (continuing offence)*

Complainant's name *Jerry Jones, Fire Prevention Officer*

Complainant's address *Somewhere Township Fire Department*

General description of property included in the charge. *Two storey, semi-detached, wood frame construction*
First Floor - restaurant 80 seats, Second floor- one apartment
Approximately 60 years old, 3000 square feet.

Witness Given names and addresses. *1) Jerry Jones, somewhere Township Fire Department*
47 Brock Road, Somewhere, Ontario

2) Jill Johnston, Tenant, 56 That Street, Somewhere Ontario

Officer in charge of case *Jerry Jones*

Counsel for accused

Counsel for complainant

(G-2 SAMPLE ONLY)

Prosecutor Brief

EVIDENCE

State concisely what each witness will say

SYNOPSIS

(Write a brief synopsis of the offence.

This will be used in the event that the accused pleads guilty.

The Prosecutor will then be able to explain the offence to the Court.

This should be written in the third person. It should state the nature of the offence and its likely impact on fire safety.)

INSPECTOR'S WILLSAY STATEMENT

(This is the information that you will present in Court. This should be written in the first person.)

Identification: *I am a Fire Prevention Officer of the Somewhere Fire Department. So appointed on (date). I am Assistant to the Fire Marshal by authority of the Fire Protection and Prevention Act, (Section 11)*

Arrival *On (date) I conducted a routine inspection of the Big Bite Restaurant located at 56 That Street. I met Mr. Samuel Smith at that location. Mr. Smith Identified himself as the owner of the restaurant by stating that he, personally, owned the business. Mr. Smith accompanied me on the inspection.*

Building Description *The building was a two story with a basement, semi-detached, wood frame construction, built 1934. The first floor contains an 80 seat restaurant, the second floor has one apartment, the basement is used for storage and building services. The total building area is approximately 3000 sq. ft. There is a fire alarm system and the basement is sprinklered.*

(G-2 SAMPLE ONLY)

Prosecutor Brief

EVIDENCE

State concisely what each witness will say

Inspections *A) On* (date) *I conducted a routine inspection of this Property and found the following violations:*

1/

2/

3/

I advised Mr. Smith of the violations and issued a Notice of Violation to him.

B) On (date) *I conducted a follow up inspection and found that...*

I met with Mr. Smith at the property and asked him for a commitment that he would correct the outstanding violations. He stated that he was unwilling to make any commitment to correct the hazards. I informed Mr. Smith that charges would be laid.

Photographs *On* (date) *I took the following photographs:*

1/

2/ etc.

Exhibits *No exhibits were taken.* (or list the exhibits as appropriate)

Conclusion *A) As a result of my inspection, I laid the following charges:*

1/

2/

B) In my opinion, a fire hazard existed in that...

(G-2 SAMPLE ONLY)

Prosecutor Brief

EVIDENCE

State concisely what each witness will say

WITNESS STATEMENTS

(Provide a brief synopsis of what each of the witnesses (if any) will say in Court)

1/ *Jill Johnston will say that the rear exit door from the restaurant was obstructed by Mr. Smith placing garbage cans and debris directly behind the door on Jan.3 1999.*

(Make sure that a copy of the witness statement is attached)

AREAS OF CONCERN

(Identify any information that you want the Prosecutor to be aware of)

1/ *Section 11 of the FPPA*

2/ *Article 1.1.1.1. of the Ontario Fire Code etc.*

DOCUMENTS ATTACHED

1/	Inspection report - 56 That Street	6/	Photographs
2/	Fire safety inspection report - Jan. 3, 1999	7/	Line drawings
3/	Municipal Tax Assessment - certified	8/	Inspector qualification sheet
4/	Land Title deed - certified	9/	Letter of Intent
5/	Articles of Incorporation - certified	10/	Conviction record
11/	Referenced Standards		

Has accused any previous convictions?

If so attach record

RESULT OF THIS CASE

Date of Trial

Verdict

Sentence

APPENDIX H-1

PERSONAL QUALIFICATIONS

The **Personal Qualifications** is a summary of the professional qualifications of the informant. This information is given to the Prosecutor to assist them in establishing the informant as a credible witness.

The information listed should be relevant to your ability to present knowledgeable information to the Court. Be brief and do not embellish your qualifications.

"NAME AND RANK" - Give your name and the rank that you hold with the department. For example:
• J.J. Smith, Captain, Somewhere Fire Department.

"PRESENT APPOINTMENT" - Detail your present position. For example:
• Chief Fire Prevention Officer, Assistant to the Fire Marshal, Somewhere Fire Department.

"RESPONSIBILITY" - List the responsibilities of your present appointment. For example:
• responsible for assessing fire safety of the buildings of Somewhere and enforcing the Ontario Fire Code and other legislation to ensure that they are fire safe,
• responsible for investigating fire occurrences to determine cause, origin and incident information,
• responsible for fire safety education to ensure an acceptable level of fire safety awareness and knowledge of the citizens of Somewhere.

"FIRE EXPERIENCE" - List your fire service experience. List the most recent first. For example:
• Chief Fire Prevention Officer, Somewhere Fire Department, 1990 - current
• Captain, Fire Suppression, 1985 -1990
• Fire Fighter, Somewherelse Fire Department, 1980 -1985

"TRAINING" - List the training that you have received that is relevant to the information that you will be presenting in court. For example:
• Fire Prevention Technology Course, Ontario Fire College 1985

Appendix H-1

"LECTURES GIVEN AND ARTICLES PUBLISHED" –

List any relevant lectures or articles that you have had published. For example:

- Periodically lecture to insurance organisations regarding fire safety
- "Use of Noxious Accelerants in Rooming House Arsons", Ontario Fire Service Messenger, April, 1995.

"COURTS" - List those Courts where you have given evidence regarding fire safety. For example: Provincial Offences Court, Coroner's Inquests, District Court - Ontario, Civil Court - Ontario.

APPENDIX I

SUGGESTED PENALTIES

The **suggested penalties** are intended to provide a basis for the Prosecutor to suggest an appropriate fine. Once a conviction is obtained, the Prosecutor has an opportunity to suggest to the Court what fine would be appropriate in the circumstances. The amount of the suggested fine should reflect the relative seriousness of the offence, the actions (or lack) taken by the defendant to correct the hazard, whether or not the hazard has been corrected, and the history of the defendant regarding fire safety.

A greater penalty is warranted where the hazard has not yet been corrected.

A defendant who has previously been convicted of the same offence has little excuse, therefore it is appropriate that a higher fine be imposed.

Finally, you should consider modifying the suggested fines to suit the relative seriousness (or potential impact) of the offence. For example, a greater fine would be usually warranted when a fire alarm has been disabled than when the routine maintenance of an emergency lighting unit has not been recorded.

You may wish to use examples of fines levied in similar circumstances, or to quote from sources such as the Report of the Public Inquiry Into Fire Safety in Highrise Buildings regarding the importance of substantial fines for fire safety violations (See particularly Recommendation 2.11 on page 34).

SUGGESTED PENALTY SCHEDULE

CIRCUMSTANCES	% OF MAXIMUM PENALTY
NOT CORRECTED - NOT GUILTY PLEA	75%
NOT CORRECTED - GUILTY PLEA	50%
CORRECTED - NOT GUILTY PLEA	25%
CORRECTED - GUILTY PLEA	10%
2ND OFFENCE	ADD 50%
SUBSEQUENT OFFENCES	100% and/or possible imprisonment

APPENDIX J-1

FILE NOTES

Notes should be kept of all actions and relevant conversations pertaining to the inspection of a property. These notes substantiate any evidence you may need to present in court and aid in making you a credible witness.

Notes also assist in keeping track of events and necessary scheduling regarding the property. For example, a property is scheduled for a follow-up inspection on a given date but the owner phones and informs you of a delay in correcting a violation due to parts being delivered late. If the delay is acceptable, then re-scheduling the follow-up inspection for a different date would be appropriate and the phone conversation, the reasons for the delay and the new date should be recorded in your notes.

Appendix J-2

(File notes are commonly hand-written on a standardized Fire Department form)

Location - *A. & B. Specialties*
14 Edward Street
Anytown, Ontario
L2N 1P7 *Phone (723) 125-3456*

Owner - *John Smith*
3 Mary Street
Anytown, Ontario
L6H 5P3 *Phone (723) 125-5678*

November 2, 1998

10:30 - *Arrived A & B Specialties.*

Met John Smith in his office. I introduced myself - advised him that I was there to conduct a routine inspection. (I was uniformed)

I asked "who is the owner of this business?" John Smith stated, "I am" I asked "Is the business owned by you personally or is it in the name of a company?" John Smith stated, "The business is owned by myself." I asked "Do you owned the property too?" He stated "I own the property too."

10:50 *Inspection revealed (a) fire extinguishers lacking throughout (b) four employees in office with rear exit door blocked and obstructed by storage inside the building.*

11:30 *I explained the violations to John Smith and issued a Fire safety inspection report to him after he cleared the rear exit.*

I arranged to conduct a re-inspection after 30 days to see that the fire extinguishers are installed.

December 15, 1998

09:10 *I arrived on site and with owner, Mr John smith*

Re-inspected premises.
Found - *(a) fire extinguishers provided*
(b) rear exit obstructed by storage again
(Photographs taken)

Appendix J-2

I explained to the owner that the repeated violation involving the obstructed exit could not be tolerated and that I would have to proceed with prosecution. I had him remove the obstructions while I was there.

December 18, 1998

10:55 — *I obtained a Certified copy of Land Registry Title Registration from the Land Registry Office confirming that John Smith is the registered owner.*

December 21, 1998

09:00 — *I met with Provincial Offences Prosecutor, Jim Brown, in his office, at 4 Dill Street, Anytown (Reviewed prosecution package)*

All documents in order

Jim Brown advised me to have the Notice of Intent served on the defendant.

10:15 — *I met with Justice of the Peace, G. Taylor, Court Office, Anytown.*

Information and Summons sworn.

Court Date set for January 12, 1999-10-22
Provincial Court - 09:30
Court Room A
10 Jarvis Street, Anytown.

13:30 — *Summons and Notice of Intent given to Sgt. Williams, Anytown Police Department to serve on the defendant, John Smith.*

January 12, 1999

09:30 — *Attended the court noted above.*

Justice of the Peace - Robert Roland
Prosecutor - Jim Brown
Defence Lawyer - Harry Jones,

Plea - Not Guilty- (John Smith)
Case adjourned to February 20, 1999-10-22

Appendix J-2

February 20, 1999

09:30	*Trial proceeded* *Plea - Not Guilty* *Defendant, John Smith convicted (2.7.1.7.)* *Penalty - fined $1000.00* *Time to pay in 1 month, March 20, 1999*

APPENDIX K-1

FIRE SAFETY INSPECTION REPORT

A Fire Safety Inspection Report (or acceptable equivalent) should be issued as soon as possible to a responsible person (owner) when violations are noted.

The violations and their locations are to be listed on the Fire Safety Inspection Report, not the necessary corrective actions (see the example). This ensures that there is an accurate description of the violation; it also does not limit the options available to the owner to correct the hazard. The person issuing the Notice should, however, be prepared to offer advice as to what solutions would be acceptable. For example, Item 2 lists the lack of exhaust and fire protection systems for commercial cooking equipment, it does not direct the owner to provide such equipment. This allows the owner to consider other options, such as removing the cooking equipment.

Listing the violation(s) on the form and not describing the solution, addresses the issue that the Fire Safety Inspection Report is not considered to be an order. It also helps to clarify that the fire department is not responsible for the solution to the violation.

A supply of the Fire Safety Inspection Report forms is available from your regional Office of the Fire Marshal. Alternatively, a Microsoft Word version of the form can be obtained through E-mail by telephoning the Fire Safety Standards Section at (416) 325-3227.

Appendix K-2

(Fire Safety Inspection Report forms are available from the regional Office of the Fire Marshal or make photocopies of the form provided in the attachments as required. Alternatively, a Microsoft Word version of the forms can be obtained through E-mail as directed on the following page.)

FIRE SAFETY INSPECTION REPORT
RAPPORT D'INSPECTION DE SÉCURITÉ-INCENDIE

Date of Inspection	Date of Issue	Address of Property / Adresse de la propiété	File #/N° de dossier
June 23, 1999	Same	388 Runnyreid Road	
Inspector / inspecteur ou inspectrice	Telephone # / N° de téléphone	Anywhere Town, Ontario	
John Smith	703-555-8677	L7I 3T0	
Fire Department / Service des incendies		Occupant / Occupant ou occupante	
Anywhere Township		John Doe	
Address of Department / Adresse du service des incendies		Owner / Propriétaire	Telephone # / N° de téléphone
233 Hart Street		John doe	703-555-9753
Anywhere Town, Ontario		Address / Adresse	
L4B 5K2		Same as above	
Person Contacted / Personne contactée			
John Doe			

During an inspection of the noted property, contraventions of the Ontario Fire Code were noted.
Descriptions of the noted violations are listed below.
Des infractions au code de prévention des incendies do l'Ontario ont été remarquées lors d'une inspection de la propriété indiquée.
Une description des infractions notées figure ci-dessous.

Item Point	Reference # No de référence	Description of violations Description des infractions	Page Page	of de
1	2.2.2.1	Fire Separations between corridors and stairways are damaged in many locations,		
		such as: 1st floor west stairway, second floor west stairway, 1st floor east stairway,		
		third floor east Stairway (July 3, 1999)		
2	2.6.1.12	Commercial cooking equipment is not provided with exhaust and fire protection		
		systems in Conformance with NFPA 96 (July 25/99)		
3	2.8.2.1	A Fire Safety Plan has not been prepared, approved and implemented. (July 25/99)		
4	9.2.4.1	A fire alarm system is not installed in compliance with Subsection 3.2.4 of the Building		
		Code, in that basement storage rooms lack automatic fire detection (July 25/99)		

Fire officials do not have the authority to grant you an extension of time to correct the violations noted. The violations must be corrected forthwith. Failure to correct the violations by _____ (date) or as noted for each violation, may result in prosecution.

Les agent(e)s de la sécurité-incendie ne peuvent accorder une prorogation du délai pour corriger les infractions notées. Vous devez corriger les infractions immédiatement. Le fait de ne pas corriger ces infractions d'ici au _____ (date), ou de ne pas prendre la mesure indiquée pour chaque infraction, pourrait entraîner des poursuites judiciaires.

Name of Recipient Nom du destinataire	Name of Inspector (Print) Nom (de l'inspecteur ou de l'inspectrice)
Signature Signature	Signature Signature

ATTACHMENTS

SAMPLE FORMS

- Fire Safety Inspection Report (Page 1 of the form)
- Fire Safety Inspection Report (Supplemental Pages)
- Inspection Checklist
- Inspection Notes (for file notes)
- Property Information

The attached sample forms are provided for your reference and/or use.

A supply of the Fire Safety Inspection Report (Page 1 of the form) and the Fire Safety Inspection Report (Supplemental Pages) may be obtained from your regional Office of the Fire Marshal. The Fire Safety Inspection Report and supplemental page forms are preprinted in a snapset format, so that what is printed on the top form transfers through to copies of the form attached.

If you choose to use the Inspection Checklist, Inspection Notes and the Property Information forms, retain these attachments as originals. Photocopy the forms for your use as required.

If additional original quality forms are required, you can print another copy of the applicable forms from the OFM Web-site at http://www.gov.on.ca/OFM/ (refer to Guidelines and Technical Papers). Alternatively, fire officials can obtain a Microsoft Word version of the forms (referred to above) through E-mail at elayne.byng@jus.gov.on.ca .

FIRE SAFETY INSPECTION REPORT
RAPPORT D'INSPECTION DE SÉCURITÉ-INCENDIE

Date of Inspection / Date d'inspection	Date of Issue / Date d'émission	Address of Property / Adresse de la propiété	File #/N° de dossier
Inspector / inspecteur ou inspectrice	Telephone # / N° de téléphone		
Fire Department / Service des incendies		Occupant / Occupant ou occupante	
Address of Department / Adresse du service des incendies		Owner / Propriétaire	Telephone # / N° de téléphone
		Address / Adresse	
Person Contacted / Personne contactée			

During an inspection of the noted property, contraventions of the Ontario Fire Code were noted.
Descriptions of the noted violations are listed below.
Des infractions au code de prévention des incendies de l'Ontario ont été remarquées lors d'une inspection de la propriété indiquée.
Une description des infractions notées figure ci-dessous.

Item Point	Reference # N° de référence	Description of violations Description des infractions	Page Page	of de

Fire officials do not have the authority to grant you an extension of time to correct the violations noted. The violations must be corrected forthwith. Failure to correct the violations by _____ (date) or as noted for each violation, may result in prosecution.

Les agent(e)s de la sécurité-incendie ne peuvent accorder une prorogation du délai pour corriger les infractions notées. Vous devez corriger les infractions immédiatement. Le fait de ne pas corriger ces infractions d'ici au _____ (date), ou de ne pas prendre la mesure indiquée pour chaque infraction, pourrait entrainer des poursuites judiciaires.

Name of Recipient Nom du destinataire	Name of Inspector (Print) Nom (de l'inspecteur ou de l'inspectrice)
Signature Signature	Signature Signature

INSPECTION REPORT– SUPPLEMENTAL PAGES
RAPPORT D'INSPECTION – PAGES SUPPLÉMENTAIRES

File # / No de dossiers	Address / Adresse

Item / Point	Reference # / N° de référence	Description of violations / Description des infractions	Page / Page	of / de

INSPECTION CHECKLIST
LISTE DE VÉRIFICATION – INSPECTION

S – Satisfactory / Satisfaisant **NP – Not Present / Non présent** **NS – Not Satisfactory / Non satisfaisant**

Date Date	Address Adresse

Type of Inspection Genre d'inspection	S	NS	NP
Fire Safety Planning / Planification de la sécurité-incendie			
Emergency Procedures / Mesures d'urgence			
Maintenance Records / Dossiers d'entretien			
Fire Safety Plan/ Plan de sécurité-incendie			
Exterior / Extérieur			
Fire Access Route / Voie d'accès en cas d'incendie			
Fire Department Connections / Raccordements, sevice des incendies			
Hydrants / Cornes-fontaines			
Firefighter's Access Panels / Panneaux d'accès pour pompiers			
Exterior Exit / Sortie menant à l'extérieur			
Combustibles / Matériaux combustibles			
Fire Separations & Closures / Séparations coupe-feu et dispositifs de fermeture			
Separations / Séparations			
Closures / Dispositifs de fermeture			
Fire Alarm & Detection System / Réseau d'avertissement d'incendie et de détection			
Annunciator Panel / Panneau annonciateur			
Voice Communication System / Réseau de communication vocale			
Firefighter's Telephone / Téléphone des pompiers			
Control Panel / Panneau de commande			
Batteries / Accumulateurs			
Date Tested / Date d'essai			
Connection to Outside Agency / Raccordement, agence externe			
Pull Stations / Avertisseurs d'incendie			
Automatic Detection / Détection automatique			
Standpipe & Hose System / Canalisations d'incendie et boyaux			
Hose Cabinet Equipment / Matériel d'armoire d'incendie			
Protected from Freezing / Protection contre le gel			
Water Control Valves / Robinets de commande d'eau			
Sprinkler System / Réseau d'extincteurs automatiques à eau			
Water Control Valves / Robinets de commande d'eau			
Dry Pipe System / Réseau de conduites sous air			
Connection to Outside Agency / Raccordement, agence externe			
Sprinkler Heads / Extincteurs automatiques à eau			
Water Distribution Unobstructed / Distribution d'eau non obstruée			
Sprinkler Piping used as Intended / Canalisations utilisées comme prévu			
Spare heads on Site / Entincteurs auto à eau de rechange, sur place			
Portable Fire Extinguishers / Extincteurs portatifs			
Fully Charged & Operable / Bien remplis et fonctionnels			
Extinguishers Accessible / Extincteurs accessibles			
Inspection Tag Attached / Étiquette d'inspection			
Date Serviced / Date de l'entretien :			
Hydrostatic Test Date / Date d'essai hydrostatique :			
Class / Catégorie : A _____ BC _____ ABC _____ D _____			
Commercial Cooking Equipment / Équipement commercial de cuisine			
Cleanliness of Cooking Appliances / Propreté des appareils de cuisson			
Exhaust Hood, Filters, Duct / Hotte, filtres, conduite			
Auto Extinguishing System / Système d'extinction automatique			
Manual Activating Handle / Poignée de déclenchement manuel			
Date Tested / Date d'essai:			

Type of Inspection Genre d'inspection	S	NS	NP
Means of Egress / Moyens d'évacuation			
Interior Stairwells / Cages d'escalier intérieurs			
Stairwells / Cages d'escalier			
Corridors & Passageways / Corridors et passages			
Exit Doors / Portes de sortie			
Egress Routes Illuminated / Éclairage des voies d'évacuation			
Fire Escape / Sortie de secours			
Exit Doors / Portes de sortie			
Exit Signs / Affiches de sortie			
Exit Lights / Éclairage des portes de sortie			
Hazards / Dangers			
Combustible Materials Stored Safety / Entreposage sécuritaire des matériaux combustibles			
Smoking Excluded in Hazard Areas/ Interdiction de fumer dans les endroits dangereux			
Flam. Liq. Stored / Dispensed Safely / Entreposage et distribution sécuritaire des liq. inflamm.			
Hazardous Materials / Matières dangereuses			
Decorative Materials Flame Resistant / Matériaux décoratifs ininflammables			
Institutional - Throughout Building / Pour établissements : partout			
Assembly Occupancy / Établissement de réunion Occupant load 100 or more / Nombre de personnes : 100 ou plus			
Bldg. With Open Area >1500M² / Immeuble à aire ouverte > 1500M²			
Occupant Load / Nombre de personnes			
Posted Prominently - not exceeded / Affiché bien en vue - pas excédé			
Building Services / Services dans l'immeuble			
Type of Heating Fuel / Type de combustible de chauffage:			
Heating Appliance / Appareil de chauffage			
Chimney & Flue Pipe / Cheminée et tuyau de raccordement			
Fuel Safety / Sécurité quant au combustible			
Fuel / Energy Shut Off / Robinets ou coupe-circuits de combustible au d'énergie			
Electrical Panel / Panneau électrique			
Visible Wiring / Câblage visible			
Electrical Equipment / Matériel électrique			
Electrical Lighting / Eclairage électrique			
Emergency Generator / Generatrice de secours			
Fire Pump / Pompe de secours			
Smoke Control Equipment / Matériel de limitation de la fumée			
Laundry Equip., Filters, Duct / Matériel de lessive, filtres, conduites			
Building Operations, Processes / Fonctionnement ou procédés de l'immeuble			
Industrial Property Protection as per Part 3 - Ontario Bldg. Code/ Protection de propriété industrielle - partie 3, Code du bât. Ont.			
Hazardous Materials / Process as per Part 5 - Ontario Fire Code / Matières ou procédés dangereux - partie 5, code prév. Incendies Ont.			
Additional Comments / Commentaires additionnels			

INSPECTION NOTES
NOTES D'INSPECTION

Address Adresse			
Date Date	Notes Notes	Page Page	of de

PROPERTY INFORMATION
RENSEIGNEMENTS SUR LA PROPRIÉTÉ

Address / Adresse	Date / Date Inspector / Inspecteur ou inspectrice
Property Name / Nom de la propriété	
Owner / Propriétaire	Phone # / N° de tél.
Owner's Address / Adresse du propriétaire	Fax # / N°de télec.
Contact / Personne-ressource	Phone # / N° de tél.

General Description / Description générale

Building Height (Storeys) / Hauteur de l'immeuble (étages)	Building Area (m²) / Superficie de l'imm. (m²)	
Construction / Construction ☐ Combustible / Combustible ☐ Non-combustible / Incombustible	Construction Date / Date de construction	Date of Additions / Date des rallonges
Notes / Notes		

Occupancy / Usage

Floor Étage	Use By Floor Usage par étage	O.B.C. Class Catégorie, C.B.O.	Occupant Load Nombre de personnes

Number of Exits per Typical Floor / Nombre de sorties par étages type	Number of Exits at Grade / Nombre de sorties de niveau moyen du sol
Notes / Notes	

Fire Safety Equipment / Matériel de sécurité-incendie

Fire Alarm System / Réseau Avertisseur d'incendie ☐ Yes / Oui ☐ No / Non	Detection / Détection ☐ Pull Stations / Avertisseurs d'incendie ☐ Heat Detectors / Détecteurs de chaleur ☐ Smoke Detectors / Détecteurs de fumée	☐ Single Stage / À signal simple ☐ Two Stage / À signal double
☐ Ancillary Devices / Dispositifs auxiliaires	List Ancillary Devices / Liste des dispositifs auxiliaires	
Monitored / Surveillance ☐ Yes / Oui ☐ No / Non	By Whom? / Par qui?	Emergency Power / Alimentation de secours ☐ Battery / Accumulateurs ☐ Generator / Génératrice
Notes / Notes		

Smoke Alarms/ Détecteurs de fumée ☐ Yes/Oui ☐ No/ Non ☐ Single Station / Appareils indépendants ☐ Interconnected / Interconnectés

Notes / Notes

Portable Fire Extinguishers / Extincteurs d'incendie portatifs (Indicate approximate number by type / Indiquer le nombre approximatif par type)

Class "A" / Catégorie «A» Class "BC" / Catégorie «BC» Class "ABC" / Catégorie «ABC» Class "D" / Catégorie «D»

Locations / Emplacements

Fixed Extinguisher Systems / Systèmes fixes d'extinction ☐ Yes/Oui ☐ No/ Non ☐ Commercial Cooking Equipment/ Équipement commercial de cuisine ☐ Industrial Process / Procédé industriel ☐ Total Area Flood / Couverture totale

Notes / Notes

Sprinkler Systems / Système d'extincteurs Automatiques à eau ☐ Yes/Oui ☐ No/ Non

Coverage / Couverture ☐ Total / Totale ☐ Partial / Partielle

Type / Type ☐ Wet / Sous eau ☐ Dry / Sous air

☐ Fire Department Connection/ Raccords pour service des incendies ☐ Alarm Monitored / Surveillance d'alarme ☐ Pump / Pompe

By Whom? / Par qui?

Areas of Coverage / /surfaces couvertes

Notes / Notes

Standpipe Systems / Réseau de canalisations d'incendie ☐ Yes/Oui ☐ No/ Non ☐ 38mm Outlets / Sorties de 38mm ☐ 65mm Outlets / Sorties de 65mm

Type / Type ☐ Wet / Sous eau ☐ Dry / Sous air

☐ Fire Department Connection / Raccords pour services des incendies ☐ Pump / Pompe

Notes / Notes

Emergency Voice Communication System/ Réseau de communciation vocale d'urgence ☐ Yes/Oui ☐ No/ Non ☐ Complies with O.B.C./ Conforme au C.B.O. ☐ Complies with Retrofit / Conforme au rattrapage ☐ F.F. Telephones. / Téléphones pompiers

Notes / Notes

Firefighters' Elevator / Ascenseur pompier ☐ Yes/Oui ☐ No/ Non ☐ Complies with O.B.C./ Conforme au C.B.O. ☐ Complies with Retrofit / Conforme au rattrapage

Notes / Notes

Emergency Power Generator / Générateur de secours ☐ Yes/Oui ☐ No/ Non

Fuel Type / Genre de combustible ☐ Diesel / Diesel ☐ Propane / Propane ☐ Natural Gas / Gaz naturel

Notes / Notes

Smoke Control Measures / Mesures de contrôle de la fumée ☐ Yes/Oui ☐ No/ Non

Notes / Notes

Special Hazards or additional information / **Dangers particuliers** ou renseignements supplémentaires